

**PUBLIC HEARING
LIBERTY TOWN BOARD
November 17, 2008**

At a Public Hearing of the Liberty Town Board held on November 17, 2008 at 6:55 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens with regard to Introductory Local Law No. 5 of the Year 2008 entitled "A local law amending the Zoning Map of the Town of Liberty to remove from the RD Rural Development District those portions of tax map parcels 36-1-131.1, 36-1-155 and 37-1-6.7 that are situate therein and add them to the adjoining IC Industrial Commercial District." The following board members were present:

Supervisor John Schmidt
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Also present: Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Code Enforcement Officer Mark VanEtten

Recording Secretary: Town Clerk Laurie Dutcher

Supervisor Schmidt called the public hearing to order at 6:55 p.m.

No one from the public wished to be heard and no written comments were received.

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian the Town Board adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Laurie Dutcher
Liberty Town Clerk

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
November 17, 2008**

REGULAR MONTHLY MEETING
November 17, 2008 Continued

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on November 17, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

Present: Supervisor John Schmidt
Councilperson Lynn Killian
Councilperson Clarence Barber
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Confidential Secretary Maureen Barber

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 7:00 p.m.

Town Clerk Laurie Dutcher submitted the following correspondence to the Town Board:

CORRESPONDENCE:

- A. A memo from Finance Director Earl Bertsch regarding personnel policy amendments.
- B. Copies of Planning Board minutes.
- C. Grant Status Report as of 10/31/2008.

PUBLIC PARTICIPATION

Maureen Barber read the attached letter to the Town Board:

REGULAR MONTHLY MEETING
November 17, 2008 Continued

Maureen T. Barber
PO Box 866
Liberty, NY 12754

November 17, 2008

John Schmidt and Town Board
Town of Liberty
120 North Main Street
Liberty, New York 12754

Dear Mr. Schmidt and Councilpersons:

I have been employed for eleven (11) months as Confidential Secretary to the Supervisor. In addition, I receive a stipend for Grant Writing.

In this first year of employment, I was instrumental in obtaining the \$600,000 CDBG Grant for the Town of Liberty Public Water Project for the Loomis Water District. In addition, in less than two weeks I wrote a LGRMIF Archives Grant to aid the Town Clerk in archiving old records. The State representative was very impressed that being so new to the job that I would even try to undertake such an endeavor in such a small amount of time. Unfortunately, we did not receive this grant, as there were a large amount of applicants and a small pool of money.

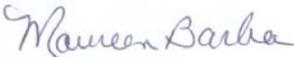
To the best of my knowledge my predecessor wrote one grant for \$348,000 for a Joint Highway Equipment Grant that also was denied.

I believe it would better serve the Town of Liberty if this title were changed to Grant Facilitator. In addition, to writing grants or assisting with the grant writing process, is the duty of administration of the grants if awarded.

I have been constantly looking for grant opportunities since taking over this position. Sometimes there just is not a multitude of grants available to assist municipalities. Bear in mind that we need to find grants that do not require matching funds as the Town does not have excess dollars lying around that are not being utilized. We have been researching the possibility of writing another grant for a water project for White Sulphur Springs. We will be moving forward with this endeavor in January of 2009.

If you decided to have an outside entity to locate, write and administer your Grants, it would cost the Town in excess of \$25,000 to \$60,000 a year depending if you wanted a full time or part person. I believe you are receiving the best and most frugal deal by keeping the position as it currently is..

Sincerely yours,


Maureen Barber

RESOLUTION NO. -08

APPROVAL OF AUDIT

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** to authorize the payment of bills as follows:

- November, 2008 Abstract:
Claims #2301 to #2482 totaling \$439,653.80
- Post October, 2008 Abstract:
Claims #2277 to #2300 totaling \$97,582.83

***Councilperson Clarence Barber abstains from the approval of any Suit-Kote vouchers. He is an independent contractor for Suit-Kote and has no interest in nor does he receive any compensation for any business conducted with the company.**

**5 AYES
CARRIED**

RESOLUTION NO. -08

APPROVAL OF MINUTES

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** to approve the following minutes as submitted:

10/20/2008 Regular Monthly Mtg.
11/3/2008 Department Head Meeting

**5 AYES
CARRIED**

RESOLUTION NO-08

ACCEPTANCE OF MONTHLY REPORTS

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** to accept the following monthly reports as follows:

- Town Clerk's October, 2008 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of October 31, 2008.

**5 AYES
CARRIED**

COMPREHENSIVE PLAN UPDATE:

Will work on after the New Year.

CARRIED OVER

- A. Discussion regarding logging permits.
- B. Legal action w/ Ironic Before the Planning Board
- C. Sidewalks in Swan Lake. Engineering done, need to get easements and put out to bid
- D. Fuel accountability policy. Supervisor Schmidt and Councilperson Barber will set up a meeting w/ Highway Superintendent and get specs together.
- E. A proposal from Blauer Associates regarding post approval administrative assistance for the Loomis Water District Water Supply Improvement Project.

RESOLUTION NO. -08

FIELD / COURT USE PERMIT FEE FOR PARKS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby approve the following fees for groups and organizations who would like to reserve the Town of Liberty baseball fields, soccer fields, and courts for a series of dates:

\$20.00 each date for Liberty residents

\$30.00 each date for Non-residents

In addition a \$1 million certificate of liability insurance must be obtained naming the Town of Liberty as "additional insured".

Liberty AYSO Soccer & Liberty Little League would be exempt from this fee.
People who want to use the fields but do not want them reserved would also be exempt from this fee.

**5 AYES
CARRIED**

RESOLUTION NO. -08

RESOLUTION REQUESTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOT TO ADOPT REGULATIONS OR POLICIES LIMITING OR REGULATING NATURAL GAS MINING IN THE TOWN OF LIBERTY

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** the following resolution was adopted at the Town Board Meeting on November 17, 2008

WHEREAS, the New York City Department of Environmental Protection Commissioner, Emily Lloyd, has submitted a letter to the New York State Department of Environmental Conservation Commissioner, Peter Grannis, requesting that the New York State Department of Environmental Conservation ("DEC") adopt rules or regulations that would regulate natural gas mining within the New York City Watershed more stringently including banning natural gas mines within a one mile radius of any reservoir or reservoir stem; and

WHEREAS, DEC has announced that it is preparing a Supplemental Generic Environmental Impact Statement to evaluate the environmental impacts associated with natural gas mining using horizontal drilling in the Marcellus Shale; and

WHEREAS, there is no scientific basis to regulate natural gas mining within the New York City Watershed Counties in a manner different or more stringent than elsewhere in New York State.

NOW, THEREFORE BE IT RESOLVED, The Town of Liberty respectfully requests that DEC not adopt any special regulations or policies which limit or regulate natural gas mining in the New York City Watershed Counties in a manner different from the restrictions that apply state-wide.

WHEREUPON, the Resolution was put to a vote and the following result recorded:

| | |
|--------------------------------|-----|
| Supervisor John Schmidt | AYE |
| Councilperson Maurice Gerry | AYE |
| Councilperson Thomas Hasbrouck | AYE |
| Councilperson Lynn Killian | AYE |
| Councilperson Clarence Barber | AYE |

5 AYES
Carried

RESOLUTION NO. -08

RESOLUTION STATING THE TOWN OF LIBERTY'S OPPOSITION TO THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DRAFT AMENDMENTS TO THE WATERSHED RULES AND REGULATIONS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber** the following resolution was adopted at the Town Board meeting on November 17, 2008

WHEREAS, the New York City Department of Environmental Protection ("DEP") has released proposed amendments to the New York City Watershed Rules and Regulations ("WR&R"); and

WHEREAS, the DEP has announced its intention to commence the public comment process; and

WHEREAS, the Town Board of the Town of Liberty has reviewed the proposed amendments to the WR&R; and

WHEREAS, the Town Board believes that the proposed amendments will increase costs to the local residents of the watershed without any additional funding to address those cost increases; and

WHEREAS, the DEP has not demonstrated a technical justification for the proposed changes and has not issued or released information on the cost to comply with these amendments; and

WHEREAS, the DEP has not identified the water quality benefits that would result from such proposed amendments; and

WHEREAS, New York City is attempting to shift the cost of avoiding filtering its water supply to some of the poorest communities within New York State.

NOW, THEREFORE BE IT RESOLVED, the Town of Liberty respectfully submits its formal objection to the adoption of the proposed amendments to the WR&R as currently proposed since the DEP has neither demonstrated a need for these proposed changes nor identified the water quality benefits that would result from such proposed amendments or made arrangements for funding the incremental costs arising therefrom.

WHEREUPON, the Resolution was put to a vote and the following result recorded:

| | |
|--------------------------------|-----|
| Supervisor John Schmidt | AYE |
| Councilperson Maurice Gerry | AYE |
| Councilperson Thomas Hasbrouck | AYE |
| Councilperson Lynn Killian | AYE |
| Councilperson Clarence Barber | AYE |

**5 AYES
CARRIED**

RESOLUTION NO. -08

AMENDMENTS TO THE PERSONNEL POLICY

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Thomas Hasbrouck** the Town Board does approve the following amendments to the Town of Liberty Personnel Policy:

1. Change Section 13—Unused Sick Time Upon Termination—to read the following:

All employees who resign from their current position and is not yet eligible for retirement benefits shall be eligible to be paid for unused sick time, up to a maximum of One Hundred Eighty (180) days, based on the following schedule:

| | |
|------------------------|--------------------------|
| 10-14 years of service | 50% of unused sick time |
| 15-19 years of service | 75% of unused sick time |
| 20+ years of service | 100% of unused sick time |

The employee who resigns for an elected position with the Town of Liberty would be eligible for unused sick pay based on this schedule.

2. Add a new section

Computation of Years of Service for Benefits, Vacation and Longevity.

A. An employee who is not on the Town Payroll for any reason for a period in excess of three months shall only receive credit for his or her years of service for that initial three-month period.

(note: This policy is presently in effect for computation of longevity bonus)

B. Any employee who starts a position with the Town of Liberty part-time and then is hired full-time will receive pro-rated service credit for the period based on the amount of time the New York State Retirement System

computes for this period. The employee must submit proof from the retirement system in order to get credit for this period of time.

C. Employee start date will be the date of hire as a full-time employee but will be indicated with an * when the years of service is computed differently.

D. Any full-time employee who takes a leave of absence and returns to work on a part-time basis, may do so for up to one (1) year without losing credit for time as long as he/she works more than twenty (20) hours per week

**5 AYES
CARRIED**

BOARD DISCUSSION

Councilperson Clarence Barber

- Need to review Health Insurance policy for Elected Officials. Feels that the rest of the Town Board is making \$2,500. more than him.
- Is anyone working on the WSS sign? *Supervisor Schmidt advised that the lady in PA is working on it.*
- The traffic circle needs to be done. *Agreed that the Town Board would contact Heinrich to find out the status*
- Have we done anything else about snow stops for the Town Barn? *Supervisor Schmidt advised that he would get some more quotes*
- Town Hall Building is in disrepair, we need to make some decisions

Councilperson Lynn Killian

- Nancy Levine would like Sullivan Renaissance to takeover the warranty for the solar lights in Swan Lake.
- Farmland Preservation Committee sent out survey letters to farmers & ag businesses. There will be a meeting for the public on 1/10 @10:00 am and for the farmers @1:00 pm
- Setting up a Joint Study Meeting w/ both the Town and Village at the High School on either 12/2 or 12/4
- VFW had nice turnout for Veteran Day services

Councilperson Thomas Hasbrouck

- Had heard that due to State Budget cuts they were going to take away grant funds for 5 years.

Councilperson Maurice Gerry Nothing to report

Supervisor John Schmidt Nothing to report

Finance Director Earl Bertsch

- Since APA will no longer accept the Town for dental insurance we will be switching to Delta Dental, a self insured plan with a slight increase for administration fees over APA. The Town would control the coverage which would remain the same. It will start on January 1, 2009 and all employees would receive a new card.

RESOLUTION NO. -08

APPROVAL FOR SUPERVISOR TO SIGN CONSENT FORM FOR BARKLEY GARDENS

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to the Supervisor to sign consent form for the filing of the Certificate of Incorporation of Conifer Liberty Housing Development Fund Company with the Secretary of State of the State of New York.

**5 AYES
CARRIED**

Adjourn

On a motion by Councilperson Lynn Killian, seconded by Councilperson Clarence Barber, the Town Board adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk